

REMARKS

Reconsideration of the pending application is respectfully requested in view of the foregoing amendments and the following remarks.

Status of the Application

Claims 1-10 are currently pending, with claims 1 and 10 being independent. In this response, claims 1-10 are cancelled without prejudice, and claims 11-17 are added. As the subject matter of the new claims is fully supported by the application as filed, no new matter has been introduced into the application by way of these amendments. Support for new claims 11-17 can be found on pages 2-9, among others, of the application.

Summary of the Office Action

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-9 are rejected under 35 U.S.C. § 101 as not being directed to patentable subject matter. Claims 1 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2002/0131572 to Paradis (hereinafter “Paradis”). Claims 2-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Paradis in view of U.S. Pub. No. 2003/0014284 to Jones (hereinafter “Jones”).

Discussion

The subject matter of the present application generally pertains to scheduling multiple medical examinations for a single patient within a single time slot, whereby the examinations involve the use of a common medical resource. *See Application*, pages 2-3. To this end, independent claim 11 recites *inter alia* “selecting a first exam,” “selecting at least one other exam ... to be co-scheduled with said first exam” and “checking whether said first and second exam require the useof a common resource.” *See Application*, pages 5-6. Claim 11 is reproduced below for Examiner’s reference.

11. A method for scheduling, via a medical information system, a plurality of exams for a patient, each of said exams requiring at least one resource, the method comprising the following steps:
 - displaying a listing of a plurality of exams having a grouping relation;
 - receiving user input for:
 - (a) selecting a first exam from said list;

- (b) selecting at least one other exam from said list to be co-scheduled with said first exam;
- (c) scheduling an appointment for said first exam;

the medical information system checking whether said first and said at least one other exam require the use of a common resource; and

when the result of said checking is positive, applying the scheduled appointment for said at least one other exam.

Hence, when the system detects that at least two exams that are deemed eligible for co-scheduling require the use of a common resource, the schedule is adjusted to accommodate such multiple exams that use the common resource. *See Application*, pages 5-6.

By contrast, Paradis is limited to synchronizing the patient's schedule with that of several medical resources for purposes of scheduling a single "task." *See Paradis*, ¶¶ [0016], [0019-0020]. The user selects a single "required task" and the required resources necessary for its completion from a pulldown menu. *See Paradis*, ¶ [0018]. Paradis then states that the patient's and the resources' schedules are loaded from a database and an overlap in availability is identified for purposes of scheduling the single task. *See Paradis*, ¶ [0020]. The user is presented with several choices of available times for the task appointment and accepts one of the choices. *Id.* Notably, Paradis deals with scheduling a single task that may require the use of multiple medical resources, as opposed to identifying whether a common resource may be used by multiple exams for the patient and managing the appointment schedule to accommodate multiple exams using a common resource during the same time slot. With respect to the "subtasks" discussed in the Office Action, Applicants note that Paradis makes it clear that its scheduling aspect is limited to a single "lowest order subtask," as opposed to managing multiple exams ("each lowest order subtask can be properly scheduled with the appropriate patient and resource schedules."). *See Paradis*, ¶ [0031].

Furthermore, Jones does not deal with exam scheduling and is instead directed to facilitating medical treatment and billing based on correlating patient data with medical information from groupings of systems of the human body. *See Jones*, Figure 2, ¶ [0009]. Hence, Jones fails to cure the deficiencies of Paradis discussed above. Therefore, neither Paradis nor Jones teach or suggest all of the steps required by claim 11, including "selecting a first exam," "selecting at least one other exam ... to be co-scheduled with said first exam" and "checking whether said first and second exam require the use of a common resource."

With respect to the 35 U.S.C. § 101 rejections, new claim 11 clarifies that the claimed functionality is performed via a “medical information system” and includes the steps of “displaying a listing of a plurality of exams” and “accepting user input,” thereby tying the claims to a particular machine as required by Federal Circuit precedent. *See, e.g.*, Application, pages 4, 8 (discussing displaying and storing exam code information via “radiology information systems (RIS) or hospital information systems (HIS)” and the user “instruct[ing] the system … to start the scheduling process.”); *see generally In re Bilski*, 545 F.3d 943, 88 U.S.P.Q.2d 1385 (Fed. Cir. 2008). Therefore, Applicants believe that claim 11 meets the patentable subject matter requirements of 35 U.S.C. § 101.

With respect to the 35 U.S.C. § 112 rejection of claim 1 as being indefinite based on the term “exam” allegedly having multiple contexts, Applicants respectfully turn the Examiner’s attention to page 1 of the specification which provides specific context for the term “exam” as being used in a “clinical environment,” for instance “a physical examination, a consultation, an exertion test, a blood test, a scan by a CT or MR scanner, and X-ray etc.” and the like. Since claims are interpreted in light of the specification, Applicants respectfully submit that one skilled in the art will identify the term “exam” as being associated with the foregoing context.

Dependent claims 12-17 incorporate all of the requirements of the independent claim 11 and, therefore, are also patentable for at least the same reasons.

Conclusion

As Applicants believe the application is in proper condition for allowance, the examiner is respectfully requested to pass the application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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